

## **ARGUMENTS/REMARKS**

### **Response to objection**

The objection to claim 7 for including “activating deactivating” has been cured by the amendment to claim 7, and it is respectfully requested that the objection be withdrawn.

### **Response to rejections based on prior art**

Claims 1-3 and 4-8 remain for prosecution in this application. Original claims 1-3 and 4-7 have been amended as indicated above. Claim 8 is new.

As set forth in independent claim 1 the system of the present invention is “for managing the operation of a home resource for a plurality of persons sharing the home resource” and is “based on determining whether a person sharing the home resource is at the location served by the home resource”. In the system of claim 2, each of the household members sharing the common resource carries a transmitter adapted to accompany the household member and a base station at the location of the home resource contains a receiver, a processor, and for each household member sharing the common home resource, a database record unique to the household member and correlating the unique signal emitted by the household member’s transmitter to the unique database record. The base station has a connection to a controller for the home resource, and the controller is responsive to updated entries in the base station database that reflect the presence or absence of household members at the location served by the home resource. The receiver detects signals from a household member’s transmitter when the household member is in close proximity, i.e., at the location of the home resource. A database record is entered and stored when the signal is received, and when the signal is failed to be received for a predetermined period of time. The home resource controller determines how to provide services to the household members sharing the common home resource in accordance with the updated base station database records. By use of a database to keep track of individual household member’s presence and absence, the present invention provides a simple, scalable way to accommodate multiple household members sharing a common home resource.

Claim 2 further specifies that the home resource is a home heating and cooling system, “the base station database stores a predetermined temperature level in association with at least one household member” and “the controller for the heating and cooling system adjusts a temperature in said home automatically to the predetermined level according to stored updated database records reflecting a presence or absence of a household member”.

As stated in the specification at page 28, at line 2 et seq, “The base station processor 303 then . . . checks the [database] record 420 associated with that [household member’s] transmitter to see whether the record includes any specific temperature requirements, e.g., that the home is to be maintained especially warm or cool.”

New claim 8 also specifies that the home resource is a home heating a cooling system, and “the controller for said heating and cooling system automatically adjusts the temperature to one predetermined level in response to updated database records reflecting that the base station has failed to receive a transmitted signal from all household member transmitters for a predetermined length of time, and automatically adjusts the temperature to a second predetermined level in response to updated database records reflecting that the base station has received a signal from at least one household member’s transmitter.” Support for new claim 8 appears at page 28, line 7 et seq “It can easily be seen that the base station could also be programmed to automatically lower the home’s temperature when the base station does not receive a signal from any transmitter for a predetermined period of time. In this manner, the present invention could lower the cost of heating and cooling the home.” Thus the use of a database to keep stored updated records allows both a specific temperature to be easily associated with a household member (claim 2) , and to easily determine if a condition for lowering the temperature (no household members present) exists (claim 8).

Claim 3 further specifies that the home resource is a security system, and “the controller for said security system automatically activates the security system in response to updated database records reflecting that the base station has failed to receive a transmitted signal from all household member transmitters for a predetermined length of time, and automatically deactivates the security system in response to updated database records reflecting that the base station has received a signal from at least one household member’s transmitter.” Here, the use of stored updated database records allows the conditions for

activation (no household members present) and deactivation (a single household member present) to be easily determined.

Claim 5 specifies that the controller, in addition to being responsive to database records, is responsive to manual control.

Claims 6 and 7 cover methods for operating a heating and cooling system (claim 6) and security system (claim 7), both using stored updated database records to keep track of the presence and absence of household members.

Reconsideration is respectfully requested of the rejection under 35 U.S.C. §103(a) of claims 1-3 and 4-7 as unpatentable over Myllymaki (US 6,348,867) in view of Pauley et al. (US 4,932,913).

Myllymaki discloses, inter alia, that “. . . when the user steps out of an apartment or automobile, a message about the opening of a door is received from the infrasound detector 9 while the wrist unit 11 is simultaneously transmitting telegrams. When the telegrams run out as the user is leaving the operating range of the wrist unit, the microprocessor 8 has its software revealing that the user has left the monitored space. Following the above, the software of the processor 8 switches on burglar surveillance . . .” (col. 4, lines 12-17) Further, “The system operates in such a way that the automatic control functions of the invention switch automatically a burglar surveillance on and off in various target areas as the user moves from one target area to another . . .” (col. 4, lines 56-59) Myllymaki further discloses that “the physiological signals transmitted by the wrist unit 11 control the required heating and ventilation as per target area.” (col. 4, lines 30-32) Nothing in Myllymaki mentions how the “software of the processor” accomplishes the stated goals, and in particular nothing in Myllymaki mentions the use of a database to record and store individual updated records unique to the household members to indicate the presence or absence of all household members using the home resource, nor the situation of claims 3 and 8 where the database records are used to determine if all household members are absent (the condition for activation of the security system or setting of a first temperature) or if a single household member has become present (the condition for deactivation of the security system or setting of a second temperature). Myllymaki does not cover how multiple users of a single space are

to be managed for control of a security system or for temperature control, although Myllymaki does disclose the possibility of a "multiple-user control system" (col. 3, line 49).

The Official Action notes that:

"Myllymaki does not specifically disclose that base station database records a receipt of said unique signal and records a failure to receive said signal in a predetermined time. It is clear that, the method of determining the presence/absence of user, from the received or failure received signal in a predetermined time, and recording the event is known in the art of Pauley et. [as cited in Fig. 1, col. 5, lines 30-39] wherein the 'leave' message is the failure of receiving signal for a selected time interval [as cited in col. 9, lines 24-35]. Therefore it would have been obvious of one having ordinary skill in the art at the time the invention was made to have a record of received or failure received signal in the database as taught by Pauley et al. into the system of Myllymaki, for benefit of future tracking or investigating the time event." (Official Action page 3).

As noted above, Myllymaki does not disclose the use of stored updated database records unique to each individual household member and a controller responsive to updated entries in the base station database that reflect the presence or absence of household members at the location served by the home resource, and as set forth in claims 3 and 8, database records that reflect the absence of all household members. Pauley et al. also fail to disclose these features of applicant's claims, and thus Myllymaki and Pauley et al. do not disclose or suggest applicant's invention. The cited passages in Pauley et al. read as follows:

(Col. 5, lines 28-39) "Normally, the FMD's [Field Monitoring Devices] will call the CPU whenever there is a change associated with the identification signal sensed (received) by the FMD. For example, if the identification signals have been regularly received from the tag and the signal stops being received, the FMD will call the CPU and log a 'leave' message. If no signals are being received by the FMD and signals appear, the FMD will call the CPU and log an 'enter' message. Such time logs permit the system to determine the approximate time when an individual being monitored 'checks out' or leaves and 'checks in' or enters the house arrest location."

(Col. 9, lines 24-35) "Counter circuits 82 count the occurrence of clock cycles in order to regulate the time at which an identification signal 42 is transmitted from the tag. As indicated previously, an identification signal is transmitted about every 120 seconds. The oscillator 80 and the counter circuits 82 define the 120 second interval (or other selected interval) between transmissions. The 120 second interval is, of course, only exemplary. Other appropriate intervals may be used. Moreover, due to the variation in tolerance of the component values and supply voltages that exist between the oscillator 80 circuits from one tag to another, it is not likely that two tags will ever exhibit precisely the same time interval between transmission of their respective identification signals."


Nothing in these passages, nor as far as applicant can tell in any other passage in Pauley et al., is there a disclosure of a home resource controller system for managing the operation of a home resource for a plurality of household members sharing the home resource, or the use of stored updated database records unique to each individual household member and a controller responsive to updated entries in the base station database that reflect the presence or absence of household members at the location served by the home resource, and, as set forth in claims 3 and 8, the condition of database records that reflects the absence of all household members.

The other cited references, Ueyama (US 6,603,401), Curwen (US 6,567,005), Rye et al. (US 6,229,433), and Marsh (US 6,057,759) similarly do not disclose or suggest the subject matter of applicant's claims.

For the foregoing reasons, it is respectfully submitted that claims 1-3 and 4-8 are now allowable, and reconsideration and allowance of the claims in this case are respectfully requested. If there are any outstanding issues, the Examiner is invited to contact applicant's attorney at 203-838-8037.

An associate power of attorney to the undersigned is attached, together with a notification of change of correspondence address.

Respectfully,  
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